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APR 26 2019

TONY R. MOORE, CLERK  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

NATHANIEL SMITH, JR.

CIVIL ACTION 1:18-CV-01176

VERSUS

JUDGE DRELL

DELTA FUEL CO., INC.

MAGISTRATE JUDGE PEREZ-MONTES

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J U D G M E N T

For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, noting the absence of objections thereto, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED that Delta's Rule 12(b)(1) Motion to Dismiss (Doc. 13) is DENIED.

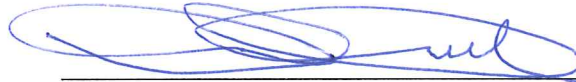
IT IS ORDERED that Delta's Rule 12(b)(5) Motion to Quash (Doc. 11) is GRANTED.

IT IS ORDERED that Delta's Rule 12(b)(6) Motion to Dismiss the federal claims (Doc. 11) is GRANTED and Smith's federal claims are DISMISSED WITH PREJUDICE.

IT IS ORDERED that Delta's Rule 12(b)(6) Motion to Dismiss the state claims (Doc. 11) is GRANTED and Smith's state claims are DISMISSED WITHOUT PREJUDICE.

IT IS ORDERED that Smith's Rule 12(c) Motion for Judgment on the Pleadings (Doc. 13) is DENIED AS MOOT.

THUS ORDERED AND SIGNED in Chambers at Alexandria, Louisiana  
on this 25<sup>th</sup> day of April 2019.



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JUDGE DEE D. DRELL  
UNITED STATES DISTRICT JUDGE